IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 18442 of 2007(U)

PETITIONER:

SATHEESH KUMAR E.,
CHAIRMAN, TRUSTEE BOARD, SRI. VAIRANKODE
BHAGAVATHI DEVASWOM TEMPLE, P.O.VAIRANKODE,
MALAPPURAM DISTRICT.

BY ADV. SRI.PKM.HASSAN
SRI.J.JULIAN XAVIER

RESPONDENTS:
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1. THE COMMISSIONER,
HINDU RELIGIOUS & CHARITABLE ENDOWMENT (ADMN.)
DEPARTMENT, CIVIL STATION, KOZHIKODE.

2. DEPUTY COMMISSIONER,
HINDU RELIGIOUS & CHARITABLE ENDOWMENT (ADMN.)
DEPARTMENT, CIVIL STATION, KOZHIKODE.

3. K.VENUGOPALAN,
EXECUTIVE OFFICER, NOW WORKING AT CHANTHANAKAVU
DEVASWOM, CHANTHANAKAVU P.O., MALAPPURAM DISTRICT,
NOW UNDER ORDER OF TRANSFER TO SRI. VAIRANKODE
BHAGAVATHI DEVASWOM TEMPLE, VAIRANKODE.

R1 &2 BY GOVT. PLEADER SHRI. K. SANDESH RAJ
R3 BY ADV SHRI. GOVIND K. BHARATHAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1: TRUE COPY OF THE INCOME AND EXPENDITURE STATEMENT OF SRIVARIANKODE BHAGAVATHI DEVASWOM TEMPLE FOR THE YEAR 2004

EXT.P1A: -DO- FOR THE YEAR 2005

EXT.P1B: -DO- FOR THE YEAR 2006

EXT.P2: -DO- OF THE ORDER DT.15.5.2007 ISSUED BY THE 2ND RESPONDENTS

EXT.P3: -DO- OF THE RELEVANT EXTRACT OF THE PROVISIONAL SENIORITY LIST OF THE 5TH GRADE EXECUTIVE OFFICERS AS ON 1.4.2006

EXT.P4: -DO- OF THE PETITION DT.26.5.2007 FILED BY THE PETITIONER BEFORE THE CHIEF MINISTER

EXT.P4A: -DO- OF THE PETITION DT.26.5.2007 FILED BY THE PETITIONER BEFORE THE MINISTER, DEVASWOM DEPT.

EXT.P5: -DO- OF THE LETTER DT.31.5.2007

EXT.P6: -DO- OF THE COUNTER AFFIDAVIT FILED BY THE 2ND RESPONDENT IN O.P.7138/2004

EXT.P7: -DO- OF THE JUDGMENT IN O.P.26684/2001

jj /TRUE COPY/

P.A.TO JUDGE

K.S. RADHAKRISHNAN & ANTONY DOMINIC, JJ.

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W.P.(C) No.18442 OF 2007 U
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Dated this the 25th June, 2007

J U D G M E N T

Radhakrishnan, J.

This writ petition is preferred by the Chairman, Trustee Board praying for a writ of certiorari to quash Ext. P2 to the extent it appoints the 3rd respondent as Executive Officer of Sri Vairankode Bhagavathi Devaswom Temple. Counsel for the petitioner submitted that a departmental enquiry is pending against the 3rd respondent with regard to certain transactions happened while the 3rd respondent was the Executive Officer of the Devaswom. Counsel submitted that there is no justification in posting the 3rd respondent to the same temple.

2. The petitioner has preferred Exts. P4 and P4(a) representations to the authorities concerned. The petitioner seeks a direction to the 1st respondent to pass appropriate orders after hearing the petitioner and the 3rd respondent. Ordered accordingly. The first respondent would take note of the averments contained

in Ext. P6 counter affidavit also and pass appropriate orders on Ext. P4(a) within a period of two months from the date of receipt of a copy of this judgment. Until Ext. P4(a) is disposed of Ext. P2 order will be kept in abeyance to the extent it transfers the 3rd respondent to the Variamkode Devaswom.

K.S. RADHAKRISHNAN
JUDGE

ANTONY DOMINIC
JUDGE

jan/